



ATTACHMENT NO. \_\_\_\_\_

EXHIBIT NO. I[Home](#) / [Wireless](#) / [Bureau Divisions](#) / [CIPD](#) /

# Tower and Antenna Siting

Building new towers or collocating antennas on existing structures requires compliance with the Commission's rules for [environmental review](https://www.ecfr.gov/cgi-bin/text-idx?SID=7316e3f25b1524c5936248ce1c1c2b0f&mc=true&node=sp47.1.1.i&rgn=div6) (<https://www.ecfr.gov/cgi-bin/text-idx?SID=7316e3f25b1524c5936248ce1c1c2b0f&mc=true&node=sp47.1.1.i&rgn=div6>). These rules ensure that licensees and registrants take appropriate measures to protect environmental and historic resources, and that the agency meets its obligations under the National Environmental Policy Act (NEPA) to consider the potential environmental impact of its actions, as well as under other environmental statutes such as the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA). A new tower construction requires:

- Approval from the state or local governing authority for the proposed site;
- Compliance with FCC rules implementing the [NEPA](#), which includes separate procedures for
  - [ESA](#); and,
  - [NHPA](#) (including [Section 106](#)).
- Depending on the tower's height and location, construction may also require:
  - [Federal Aviation Administration \(FAA\) notification](#); and,
  - [Antenna Structure Registration \(ASR\)](#) with the FCC.

In 2018, the Wireless Telecommunications Bureau held a [workshop](#) ([/news-events/events/2018/10/annual-tower-training-workshop](#)) to provide a general overview of the process.

Collocations may also require compliance with these same processes. See the [Collocation Agreement](#) (<https://docs.fcc.gov/public/attachments/DA-16-519A2.pdf>) and other sections below for more information about collocations that require compliance with NEPA, NHPA, FAA and ASR rules. The Commission's October 2014 [Infrastructure Report and Order](#) (<https://docs.fcc.gov/public/attachments/FCC-14-153A1.pdf>) includes some NEPA and NHPA exclusions specific to DAS and Small Cell deployments.

## State and Local Authorities

Section 332(c)(7) of the Communications Act

(<https://www.law.cornell.edu/uscode/text/47/332>) preserves state and local authority over zoning and land use decisions for personal wireless service facilities, but sets forth specific limitations on that authority. Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable period of time, and must make any denial of an application in writing supported by substantial evidence in a written record. The statute also preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules.

Allegations that a state or local government has acted inconsistently with Section 332(c)(7) may be resolved by the courts. In September 2018, the Commission released the [Wireless Infrastructure Third Report and Order and Declaratory Ruling \(/document/fcc-facilitates-wireless-infrastructure-deployment-5g\)](#) to clarify the scope of Sections 253 and 332(c)(7) in various deployment contexts, including the deployment of small cells.

Section 1455(a) of the Communications Act (<https://www.law.cornell.edu/uscode/text/47/1455>), enacted as part of the Middle Class Tax Relief and Job Creation Act of 2012, establishes a further limitation on state and local land use authority over certain wireless facilities. Specifically, it provides that a state or local government may not deny and shall approve any eligible facility request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station, and defines eligible facility requests as including requests for the collocation, removal, or replacement of transmission equipment.

The Commission has adopted a rule, codified at [47 C.F.R. § 1.6100](#) (<https://docs.fcc.gov/public/attachments/DA-15-598A1.pdf>), to further clarify and implement these requirements.

FCC Items Related to Section 332(c)(7) and Section 1455(a) include:

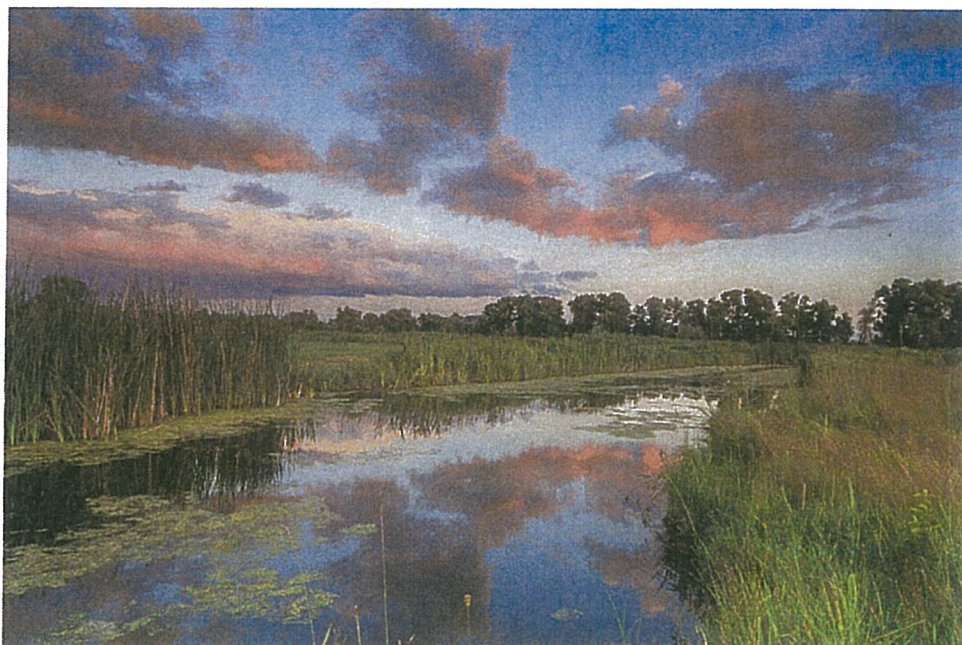
- Report and Order, FCC 00-408, adopted November 13, 2000 (establishing procedures for requesting relief under Section 332(c)(7) from impermissible State and local regulation of wireless facilities based on the environmental effects of RF emissions.
- Declaratory Ruling, FCC 09-99, adopted November 18, 2009 (clarifying certain aspects of the limits on state and local authority under Section 332(c)(7)).
- Report and Order, FCC 14-153, adopted October 21, 2014 (adopting rule to clarify and implement requirements of Section 1455(a), and providing further clarification of Section 332(c)(7)).



- Third Report and Order and Declaratory Ruling, FCC 18-133, adopted September 26, 2018 (adopting rule on shot clocks and clarifying scope of Sections 253 and 332(c)(7) for small wireless facilities).

## The National Environmental Policy Act

NEPA requires agencies to consider and disclose the environmental effects of its actions to improve decision-making and encourage transparency, public participation, and accountability. Effects are defined broadly to include ecological, aesthetic, historic, social, and cumulative and indirect effects.



NEPA has three levels of review, depending on the significance of the effect (which, in turn, depends on the context and intensity of the action; for example, a tall, guyed tower in an ecologically sensitive area is likely to have more significant effects than a short, unguyed tower in an industrial area):

**Categorical exclusions** (CatExs)—for actions or types of actions which individually and cumulatively are deemed to have minimal or no impacts on the environment. The actions may therefore qualify as excluded from detailed environmental analysis.

**Environmental Assessments** (EAs)—for actions that may have a significant effect, an EA determines potentially significant impacts. If no significant impacts are found, the agency issues a Finding of No Significant Effect (FONSI).

**Environmental Impact Statements** (EISs)—for major federal actions with the potential to significantly affect the quality of the human environment. These actions require a detailed analysis of actions and alternatives and concludes with a Record of Decision (ROD).

NEPA does not mandate an outcome or prevent projects from moving forward; it only requires consideration of effects and of alternatives to mitigate the environmental effects of a project. To implement NEPA, each federal agency adopts its own procedures, and the Council on Environmental Quality oversees NEPA implementation.

### FCC's NEPA Process

The FCC considers registering and licensing towers and facilities intended to host licensed services to be major actions that trigger agency NEPA obligations. Consequently, [FCC rules \(https://www.law.cornell.edu/cfr/text/47/part-1/subpart-I\)](https://www.law.cornell.edu/cfr/text/47/part-1/subpart-I) impose enforceable duties on licensees and applicants in order to meet the agency's NEPA obligations.

Facilities constructed by or for FCC licensees subject to environmental review must comply with agency environmental regulations implementing NEPA. The rules apply to all licensees and registrants: commercial licensees, utilities, public safety entities, railroads, and mining companies. Because licensees and registrants cannot locate on a facility that has not gone through a NEPA review, tower constructors that are neither licensees nor registrants must also follow these rules. These regulations ensure agency compliance with the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA) as well.

While the agency has delegated the initial assessment of CatExs (and certification to that effect if required) and preparation of EAs to licensees and applicants, compliance with NEPA rests with the FCC.

FCC environmental rules categorically [exclude all actions](#) from detailed environmental review except those associated with the construction of facilities that fall into certain categories. The categories of facilities requiring environmental assessments (EAs) include those facilities:





- Located in a wilderness area (most likely on federal land) or in a wildlife preserve (likely on federal land);
- That might affect threatened and endangered species or their habitat (ESA);
- That might affect properties included in or eligible for inclusion in the National Register of Historic Places (NRHP) or Indian religious and cultural sites;
- That will be located a floodplain and where facility equipment will NOT be placed at least one foot above the base flood elevation of the floodplain;
- Whose construction will involve “significant changes in surface features” (e.g., in wetlands, water diversions, significant ground disturbance, deforestation);
- That might affect migratory birds if the towers are over 450 feet; or
- That involve high intensity lighting in a residential area or would cause RF radiation in excess of FCC-established limits.

If any element of a proposed project – including the tower, fence, trenching, roads, parking, power and fiber connections and their operation and maintenance – falls into any of these categories, the applicant must [file an EA \(/help/filing-environmental-assessment-antenna-structure-registration-asr-system\)](#) which discloses those effects and on which the public can comment.

Complying with FCC environmental regulations requires completing an analysis of the categories BEFORE certifying that there is no significant environmental effect. Analysis includes, for example, compliance with ESA and NHPA requirements.

After an EA is filed, the document is put on public notice for one month, during which time the FCC ensures its sufficiency. If no objections or issues are identified, the FCC issues a FONSI.

Despite the presumption of actions being categorically excluded, the agency may order additional environmental review on issues beyond the above checklist, or upon consideration of public comments. The agency may also ask for mitigation to reduce project impacts.

**Grading soil, removing vegetation, clearing an area or otherwise beginning construction or building without following these requirements or before completion of the FCC’s environmental process can constitute a violation of FCC rules and subject the party to potential enforcement action. Granting of a license is NOT an authorization to build unless all environmental review requirements have been met.**

Below is more information about the FCC NEPA process and compliance with related environmental statutes.

- [NEPA Checklist \(/file/14747/download\)](#)
- [NEPA FAQs \(/general/nepa-faq\)](#)



- [NEPAssist - a tool that facilitates the environmental review process](https://www.epa.gov/nepa/nepassist) (<https://www.epa.gov/nepa/nepassist>)
- [NEPA Fact Sheet](/sites/default/files/NEPA_Factsheet_111816.pdf) ([/sites/default/files/NEPA\\_Factsheet\\_111816.pdf](/sites/default/files/NEPA_Factsheet_111816.pdf))
- [Form 601 Flow Chart](/sites/default/files/Form_601_FlowChart.pdf) ([/sites/default/files/Form\\_601\\_FlowChart.pdf](/sites/default/files/Form_601_FlowChart.pdf))
- [Form 854 Flow Chart](/sites/default/files/Form_854_FlowChart.pdf) ([/sites/default/files/Form\\_854\\_FlowChart.pdf](/sites/default/files/Form_854_FlowChart.pdf))
- [NEPA Process Overview](/sites/default/files/NEPA_Process_Overview.pdf) ([/sites/default/files/NEPA\\_Process\\_Overview.pdf](/sites/default/files/NEPA_Process_Overview.pdf))
- [Fact Sheet: Site Testing Involving Ground Disturbance](https://us-fcc.box.com/s/ra911e671m005gxdydllzmenct4uo1fr) (<https://us-fcc.box.com/s/ra911e671m005gxdydllzmenct4uo1fr>)



## Endangered Species Act

Section 1.1307(a)(3) of the Commission's rules, 47 C.F.R. §1.1307(a)(3), requires applicants, licensees, and tower owners (applicants) to consider the impact of proposed facilities on sensitive species and their habitat. Under the Endangered Species Act (ESA), 16 U.S.C. s. 1531 *et seq.*....it is prohibited to "take" (i.e., to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.) Applicants must therefore determine before constructing and before submitting an EA if required whether any proposed facility may affect listed, threatened or endangered species or designated critical habitats, or are likely to jeopardize the continued existence of any proposed threatened or endangered species or designated critical habitats.

The [U.S. Fish and Wildlife Service \(FWS\)](https://www.fws.gov/endangered/) (<https://www.fws.gov/endangered/>), which administers the ESA, provides an [online mapping tool](https://ecos.fws.gov/ipac/) (<https://ecos.fws.gov/ipac/>) to determine which species may need to be considered for proposed facilities. A qualified biologist or the FWS must determine the type of effect a proposed facility will have on protected resources. If a qualified biologist or the FWS determines that a proposed facility may have an adverse effect, the applicant must notify the FCC and file an environmental assessment. Applicants must submit a request for FWS concurrence with the applicant's effects determination. If a qualified biologist or the FWS determines that the proposed facility will affect protected species or habitats, the applicants must enter formal consultation with the FWS. All FCC licensees, applicants, tower companies, and their representatives have a blanket designation and are authorized to contact and work with the FWS as non-federal representatives of the FCC for purposes of consultation with the FWS. In significant portions of the US, applicants must follow the FWS process for considering effects to the [Northern Long-Eared Bat](#)





(<https://docs.fcc.gov/public/attachments/DA-16-476A1.pdf>). In some regions, FWS offers Blanket Clearance to proposed facilities meeting certain criteria to streamline these processes.

[FWS Delegation Letter \(/file/14748/download\)](#)

- [Online Endangered Species Act Review using IPaC \(/file/14749/download\)](#)
- [Fact Sheet: \(/file/3819/download\)Minimizing Habitat Fragmentation \(/file/14750/download\)](#)
- [Fact Sheet: \(/file/3820/download\)Minimizing Effects on Prairie Grouse and Sage Grouse \(/file/14751/download\)](#)
- [Guidance on Northern Long-Eared Bat \(https://docs.fcc.gov/public/attachments/DA-16-476A1.pdf\)](#)
- [Guidance on American Burying Beetle in Oklahoma \(https://docs.fcc.gov/public/attachments/DA-20-363A1.pdf\)](#)

## Migratory Birds

Under the Note to paragraph (d) of Section 1.1307, the Commission requires an Applicant to prepare an EA that considers the effects on migratory birds when a proposed antenna structure will be over 450 feet above ground level (AGL). Each year, millions of birds collide with communications towers and die. Tall, lit, and guy-wired towers are implicated in significantly more bird fatalities than short, unlit, self-supported towers. However, towers of almost any height have the potential to harm migratory birds, and tower owners can [reduce or minimize these effects \(/file/3818/download\)](#) in a number of ways, often with [little or no cost to the tower owner \(/guides/towers-and-birds\)](#). For example, because birds are attracted to non-flashing lights but less so to flashing lights, using flashing lights can prevent collisions.

The U.S. Fish and Wildlife Service (FWS) has formulated [voluntary guidelines \(https://us-fcc.box.com/s/sc1742pnyc7w14vzzhcz3hrkoft1qn3l\)](https://us-fcc.box.com/s/sc1742pnyc7w14vzzhcz3hrkoft1qn3l) for tower siting to address potential effects on migratory birds. These guidelines include suggestions on tower siting, height, and lighting to avoid adverse effects to migratory birds. The Avian Power Line Interaction Committee (APLIC), a collaboration of the utility industry, wildlife resource agencies, conservation groups, and manufacturers of avian protection products, also developed [guidance \(http://www.aplic.org/uploads/files/11218/Reducing\\_Avian\\_Collisions\\_2012watermarkLR.pdf\)](http://www.aplic.org/uploads/files/11218/Reducing_Avian_Collisions_2012watermarkLR.pdf) for methods to reduce bird/power line electrocutions and collisions which reduces bird mortalities and associated power outages. Tower owners should consider incorporating these guidelines into their tower projects and maintenance operations.

As of September 28, 2016, the Federal Aviation Administration (FAA) no longer permits red non-flashing lights on any new tower above 150 feet AGL. The FAA has asked owners of existing towers to submit plans for eliminating the use of non-flashing lights on existing towers; and the FCC and FAA have developed a [process \(/sites/default/files/Light\\_Changes\\_Information\\_Update\\_Jan\\_2017.pdf\)](#) by which registrants may do so.



[Fact Sheet: Addressing Raptor Nesting on Towers \(/file/3821/download\)](#)

- [FAA Advisory Circular on Obstruction Marking and Lighting \(https://us-fcc.box.com/s/ofvtfbg3q8wywpdcs0kf00t68yj8mq2p\)](https://us-fcc.box.com/s/ofvtfbg3q8wywpdcs0kf00t68yj8mq2p)

In order to better protect endangered species and migratory birds, the Wireless Telecommunications Bureau released a [Final Programmatic Environmental Assessment \(PEA\) \(/general/programmatic-environmental-assessment-pea\)](#) that evaluates the potential environmental effects of the FCC's Antenna Structure Registration (ASR) program.

## The National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 is implemented through the FCC's environmental rules. Section 106 of the NHPA requires federal agencies to consider the effects of federal undertakings on historic properties. The FCC considers the construction of communications towers or certain collocation of communications equipment using FCC-licensed spectrum a federal undertaking. See [Wireless Infrastructure Report and Order \(/document/fcc-acts-speed-deployment-next-gen-wireless-infrastructure-0\)](#). While Antenna Structure Registration (ASR) is required for some communications towers, Section 106 process may be required even if ASR Registration is not required.

Commission licensees and applicants are delegated the responsibility for initiating the Section 106 review process for proposed facilities, identifying and evaluating historic properties, and assessing effects. This process includes consultation with the appropriate State Historic Preservation Officer (SHPO) and Tribal Nations that have expressed an interest in the proposed project. The Commission maintains two databases, the Tower Construction Notification System (TCNS) and the E-106 system, to facilitate communications with these parties.

For the Tribal Nations, either a Tribal Historic Preservation Office (THPO) or a cultural preservation office have been established at each Tribal Nation and designated the point-of-contact for the Section



106 process. Filing coordinates in TCNS and uploading documentation to E-106 initiates statutorily mandated review periods and supports efficient processing.

Historic properties are sites, structures, buildings, and objects that are listed on or eligible for listing on the National Register of Historic Places. SHPO's maintain the lists of these historic properties. For Tribal Nations, historic properties include sites and places of cultural and religious significance. Due to the sensitive nature of these historic properties, these places are often not publicly identified. Tribal Nations have the option to provide this information to the FCC through its Federal Preservation Officer who will ensure that the information is protected throughout the Section 106 process.

**NHPA Information** (<http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=36&PART=800&SUBPART=B&TYPE=TEXT>)

- [Title 36 of the Code of Federal Regulations, Part 800, Subpart B.](http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=36&PART=800&SUBPART=B&TYPE=TEXT)
- [Advisory Council on Historic Preservation \(ACHP\) Home Page](http://www.achp.gov/)
- [MO&O clarifying licensees' responsibilities in complying with the NHPA.](/Bureaus/Wireless/Orders/1998/da981580.txt)
- [Local Section 106 Notice Requirement Template](https://us-fcc.box.com/s/k66rc4g4s5dvgyma7lhar79p1byqgxu)
- [ACHP Handbook on Consultation with Indian Tribes in the Section 106 Review Process](/file/14538/download)

## The Nationwide Programmatic Agreements

The Commission has entered into two Nationwide Programmatic Agreements (NPAs) with the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO). ACHP oversees NHPA implementation, and NCSHPO represents the State Historic Preservation Officers. These NPAs describe the Commission's Section 106 processes for [new tower construction](https://www.law.cornell.edu/cfr/text/47/appendix-C%20to%20part%201) and [collocation of communications equipment on existing structures](https://www.law.cornell.edu/cfr/text/47/appendix-B%20to%20part%201). In 2016, the ACHP approved the [First Amendment to the Collocation Agreement](/document/wtb-announces-execution-amendment-collocation-agreement).

The NPA requires that project proponents use the FCC Form 620 (new towers) and FCC Form 621 (collocations), which are available on the [FCC Forms Page](/formpage.html). The Form 620 and Form 621 must be completed by qualified individuals as stated on the forms. These forms are submitted directly to the SHPO and are not sent to the FCC unless requested by the FCC. Project proponents are encouraged to complete the Form 620 and Form 621 using the E106 system as the forms are easier to complete and the system contains internal checkpoints to ensure that they are complete and accurate.

Using the E106 system facilitates FCC access to answer questions or address issues during the Section 106 process. Prior to submitting, the applicant must confirm whether the specific SHPO utilizes E-106 for Section 106 reviews and determine their preferred submittal procedures. Many SHPOs are required by state law to maintain hard copies.

If a SHPO has not responded within 30 days, determinations of “No Adverse Effect” can be submitted to the Commission by following procedures outlined in [Public Notice DA 05-599](#) (<https://docs.fcc.gov/public/attachments/DA-05-599A1.pdf>). Such referrals may be made through the E-106 system when the Form 620 or 621 has been submitted electronically.

If a proposed project will have an adverse effect on historic properties, the project proponent must notify the ACHP using the ACHP’s E106 system. The project proponent must engage the SHPO and all consulting parties, including Tribal Nations, about the adverse effect and the potential to mitigate that effect. To proceed beyond the initial determination of adverse effect, the project proponent must provide the SHPO and all consulting parties with an alternatives analysis or plan that demonstrates that the proposed location is the only feasible location due to engineering requirements. The FCC may review these plans.

In addition, the project proponent and the consulting parties should develop appropriate mitigation measures. Mitigation measures should have a public benefit directly tied to the adverse effect. Payments of cash are not appropriate. The project proponent should prepare a [Memorandum of Agreement \(MOA\)](#) (<https://us-fcc.box.com/s/z3rvstc180q7ngfm2j8hico9lnfi6bnn>) to be signed by the FCC, SHPO, project proponent and all consulting parties. For review prior to any party’s signature, the draft MOA must be sent as a word document to the FCC at [s106.moa@fcc.gov](mailto:s106.moa@fcc.gov) (<mailto:s106.moa@fcc.gov>). If the MOA needs to be amended, this [MOA Amendment template](#) (<https://us-fcc.box.com/s/qmk9iy7t9f7pxr9pwlxfhom21ac1gplo>) should be used.

## Section 106 Tools

[TCNS/E-106 \(/wireless/systems-utilities/tower-construction-notifications\)](#)

[Form 620 \(new towers\) \(/Forms/Form620/620.pdf\)](#)

[Form 621 \(collocations\) \(/Forms/Form621/621.pdf\)](#)

[ACHP Delegation Letter for Section 106 Review \(/file/14753/download\)](#)

[Factsheet \(https://docs.fcc.gov/public/attachments/DA-02-28A1.pdf\)](#)

[Wireless Infrastructure Second Report and Order \(/document/fcc-acts-speed-deployment-next-gen-wireless-infrastructure-0\)](#)



- [Questions and Answers \(/file/16660/download\)](#) (Last Updated September 30, 2019)
- [Manual Referral Process Update \(https://us-fcc.box.com/s/ec13y80fc5ew9q1ca059eotybi96n37x\)](https://us-fcc.box.com/s/ec13y80fc5ew9q1ca059eotybi96n37x) (03/18/2020)

## Tribal Notification

The NHPA requires that [federal agencies must consult with any federally-recognized Tribal Nation \(http://www.achp.gov/regs-fees.html#role\)](#) that attaches religious and cultural significance to historic properties affected by an undertaking in carrying out the *Section 106* review process.

Since 2004, the Commission has maintained the [Tower Construction Notification System \(/wireless/systems-utilities/tower-construction-notifications\)](#) (TCNS), an on-line, password-protected system that notifies all Tribal Nations, Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs) of proposed communication tower construction in their areas of interest. Applicants must submit the Form 620/621 to Tribal Nations to initiate Section 106 review. Uploading the relevant form to the E-106 system will notify Tribal Nations that the materials are ready for review and track the statutorily mandated 30-day review period. Tribal recipients can respond directly to the companies if they have concerns about a proposed construction.

In order to use the FCC's online filing systems, you need an FCC Registration Number (FRN).

The Commission follows [guidance published by the Advisory Council on Historic Preservation \(ACHP\) \(https://www.achp.gov/digital-library-section-106-landing/role-tribal-historic-preservation-officer-section-106-process\)](#) with respect to the role of Tribal Nations in the Section 106 Review Process.

## Indian Tribal Contacts

[Tribal Nations Leaders Directory \(Bureau of Indian Affairs\)](#)  
[\(http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/\)](http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/)

## Section 106 Reviews for Wireless Communications Facilities Construction and Modification Involving Multiple Federal Agencies

In 2009, the ACHP issued a Program Comment ([https://www.fema.gov/media-library-data/20130726-1826-25045-5609/rus\\_ntia\\_fema\\_final\\_program\\_comment.pdf](https://www.fema.gov/media-library-data/20130726-1826-25045-5609/rus_ntia_fema_final_program_comment.pdf)) to facilitate the deployment of broadband by eliminating duplicative Section 106 reviews for projects regulated by the Commission but funded or otherwise subject to involvement by another federal agency.

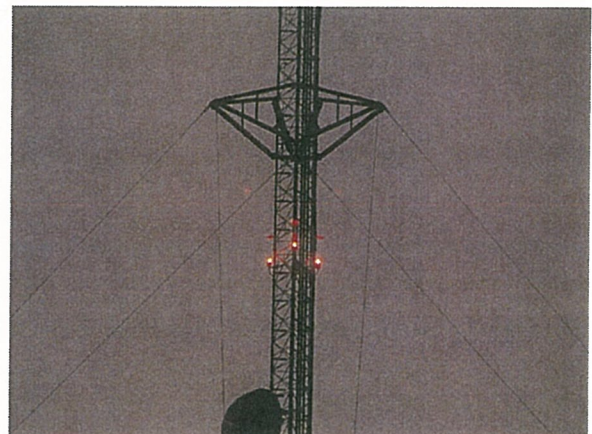
The [Program Comment was extended and expanded in 2015](#) <https://www.federalregister.gov/articles/2015/09/30/2015-24713/notice-of-amendment-to-program-comment-to-avoid-duplicative-reviews-for-wireless-communications>), and relieves the US Department of Agriculture Rural Utility Service (RUS), National Telecommunications and Information Administration

NTIA), Federal Emergency Management Agency (FEMA), First Responder Network Authority (FirstNet), Department of Homeland Security (DHS), Federal Railroad Administration (FRA), and Federal Transit Administration (FTA) from the need to comply with Section 106 for communication facilities that have undergone or will undergo Section 106 review by the FCC.

## Additional Pre-Construction Requirements

### The Federal Aviation Administration (FAA)

[Notification to the FAA \(https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm\)](https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm) is required for any tower construction or alteration of an antenna structure that is registered with the Commission's Antenna Structure Registration system. Towers that meet certain height and location criteria (generally towers more than 200 feet above ground level or located near an airport) require notice to the FAA and ASR registration with the FCC. Prior to completing registration with the Commission, an antenna structure owner must have notified the FAA (via FAA Form 7460-1) and received a final determination of 'no hazard' from the FAA.



The FCC's TOWAIR program (<http://wireless2.fcc.gov/UlsApp/AsrSearch/towairSearch.jsp>) can be used to unofficially determine if a proposed construction meets FAA notification and FCC registration requirements. However, proposed antenna structure owners (applicants) must still file a Notice of Construction (FAA Form 7460 -1) with the FAA to obtain a No Hazard Determination.

### Antenna Structure Registration (ASR)

The ASR rules are contained in Part 17 of the Commission's Rules (47 C.F.R. Part 17). [1 \(/help/antenna-structure-registration-asr-help\)information about registering antenna structures \(/help/antenna-structure-registration-asr-help\)](#) is available on the FCC's website.



Once applicants obtain a No Hazard Determination from the FAA, the [ASR \(/asr\)](#) rules requires applicants to submit the FAA's study number, along with FCC Form 854, to the Commission. The Commission then verifies with the FAA the accuracy of the marking and lighting specifications provided by the applicant. If the Commission accepts the application, it issues a registration (Form 854R), which typically incorporates the FAA's "no hazard" marking and/or lighting specifications and assigns the antenna an ASR number. Once an antenna structure is registered, its owner must ensure that the structure complies with all the relevant FAA chapters specified on the registration, or the owner may be subject to Commission enforcement action. No changes to the specifications in the ASR are permitted without prior approval from both the FAA and the Commission; owners seeking to change an antenna structure's specifications must first seek FAA approval, and only then may they file a request with the Commission to modify the ASR. Prior to changing the marking or lighting on the structure, antenna structure owners must receive a modified ASR form from the Commission incorporating the change. Once the antenna structure or tower is constructed or altered, the owner must then file FAA Form 7460-2, Notice of Completion of Construction or Alteration, with the FAA, and FCC Form 854 with the FCC notifying both agencies that the construction has been completed.

### **Antenna Structure Painting and Lighting**

The FCC's ASR program fulfills the FCC statutory duty to require the painting and lighting of antenna structures that may pose a hazard to air navigation. Based on FAA recommendations, the FCC requires the structure to be painted and lighted as necessary to make it conspicuous to aircraft. Part 17 of the Commission's rules outlines these painting and lighting requirements. Importantly, antenna structure owners must immediately report any top light or flashing obstruction light outage or malfunction lasting more than thirty (30) minutes to the FAA by either their direct entry tool or by calling 877-487-6867, for Alaska 800-478-3576, so that a Notice to Airmen (NOTAM) can be issued. Continue to the [FAA Light Outage Reporting webpage](#) (<https://oeaaa.faa.gov/oeaaa/external/content/lightOutageReporting.jsp>). The [NOTAM Process Streamlining Measures PN](#) (</document/notam-process-streamlining-measures>) gives a more detailed explanation of the NOTAM process.

While the Commission requires antenna structure owners to register and exercise primary responsibility for painting and lighting of antenna structures meeting the registration criteria, licensees and permittees, collocated on the tower or antenna structure, are also responsible to ensure that the structure maintain all FAA and FCC painting and lighting requirements. The FAA's [Advisory Circular Marking and Lighting FAQs](#) (<https://oeaaa.faa.gov/oeaaa/external/searchAction.jsp?action=malFAQs>) provides answers to some painting and lighting questions.

### **Bureau/Office:**

[Wireless Telecommunications \(https://www.fcc.gov/wireless-telecommunications\)](https://www.fcc.gov/wireless-telecommunications)

**Tags:**

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